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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

5 LABRADA ALFREDO CELESTINO,

6 Petitioner,  
7 v.

8 ATTORNEY GENERAL, et al.,

9 Respondents.  
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Case No. 2:19-cv-01443-GMN-EJY

**ORDER DISMISSING ACTION**

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12 Labrada Alfredo Celestino, a prisoner at the Clark County Detention Center, in  
13 Las Vegas, initiated this habeas corpus action, *pro se*, on August 19, 2019, by filing a  
14 petition for writ of habeas petition pursuant to 28 U.S.C. § 2254 (ECF No. 1-1). It  
15 appears, from the envelope in which the petition was received, that Celestino submitted  
16 this petition to the state district court in Clark County, and the state court forwarded it to  
17 this Court. The petition is captioned for filing in this Court.

18 Celestino did not pay the filing fee for this action and he did not submit an  
19 application to proceed *in forma pauperis*. The Court will summarily dismiss this action  
20 without prejudice for this reason.

21 Additionally, Celestino's petition is plainly premature and without merit. The  
22 petition does not articulate any ground for habeas corpus relief; it is simply blank in the  
23 spaces where the petitioner is to state his grounds for relief. See Petition for Writ of  
24 Habeas Corpus (ECF No. 1-1), pp. 4-13. Furthermore, the petition states that the  
25 judgment of conviction that Celestino challenges was entered on August 6, 2019, and  
26 that he neither appealed from the conviction nor petitioned in state court for post-  
27 conviction relief. See *id.* at 1. Therefore, plainly, Celestino has not exhausted any claim  
28 for relief in state court. This Court generally cannot grant habeas corpus relief on a

1 claim not exhausted in state court. See 28 U.S.C. § 2254(b). For these additional  
2 reasons, as well, the Court will summarily dismiss this action without prejudice.

3 The dismissal of this action is without prejudice to Celestino initiating a new  
4 habeas corpus action in this Court, and either paying the \$5 filing fee for the action or  
5 applying for *in forma pauperis* status, if and when he has exhausted one or more claims  
6 for habeas corpus relief in state court. The Court will direct the Clerk of the Court to  
7 send Celestino the forms he would need to do so.

8 **IT IS THEREFORE ORDERED** that this action is **DISMISSED WITHOUT**  
9 **PREJUDICE.**

10 **IT IS FURTHER ORDERED** that, as reasonable jurists would not find the rulings  
11 in this order to be debatable, the petitioner is denied a certificate of appealability.

12 **IT IS FURTHER ORDERED** that the Clerk of the Court shall enter judgment  
13 accordingly.

14 **IT IS FURTHER ORDERED** that the Clerk of the Court is directed to send to the  
15 petitioner, along with a copy of this order, two copies of the Court's form petition for writ  
16 of habeas corpus pursuant to 28 U.S.C. § 2254, and two copies of the form for a state  
17 prisoner to apply to proceed *in forma pauperis*.

18 DATED THIS 26 day of August, 2019.

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22 GLORIA M. NAVARRO,  
23 CHIEF UNITED STATES DISTRICT JUDGE  
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